

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS ALVAREZ CHICAS, ALONSO VILLATORO,  
MISAELO ALEXANDER MARTINEZ CASTRO, ANGEL  
MARTINEZ, EDWIN ULLOA MOREIRA and MATEO  
UMAÑA individually and on behalf of all others similarly  
situated,

**Case No. 21-cv-09014  
(PAE)(SDA)**

Plaintiffs,

- *against* -

KELCO CONSTRUCTION, INC., KELCO  
LANDSCAPING, INC., E.L.M. GENERAL  
CONSTRUCTION CORP. D/B/A KELLY'S CREW, JOHN  
KELLY and JOSEPH PROVENZANO,

Defendants.

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**DECLARATION OF STEVEN JOHN MOSER IN FURTHER SUPPORT OF MOTION  
FOR CONDITIONAL CERTIFICATION AND NOTICE UNDER THE FLSA**

I, Steven Jon Moser, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I represent the Plaintiffs in this action.
2. I submit this declaration in further support of Plaintiffs' Motion for Conditional

Certification under the FLSA.

3. Annexed hereto as Exhibits 1 and 2 are the *Public Release Rosters of Federally Certified Court Interpreters* published by the Administrative Office of the United States Courts on January 15, 2023 and February 9, 2023, respectively.

4. Plaintiffs served a subpoena upon ADP in February 2022. In response to the subpoena ADP produced documents, including Earning Statements ("paystubs") and duplicate checks for employees of Kelco Construction, Inc. ("Kelco") and ELM General Construction Corp. ("ELM") for the period from June 23, 2019 until May 14, 2022.

5. Annexed hereto as Exhibits 3-24 are true and accurate paystubs obtained from ADP pursuant to subpoena as follows:

Employee Name	Kelco Paystub	ELM Paystub
Eduardo Narvaez	<b>Ex. 3</b>	Ex. 4
Elmer Amador	<b>Ex. 5</b>	Ex. 6
Elvis Canales	<b>Ex. 7</b>	Ex. 8
Juan Hernandez	<b>Ex. 9</b>	Ex. 10
Mario Rodriguez	<b>Ex. 11</b>	Ex. 12
Rohan Guthrie	<b>Ex. 13</b>	Ex. 14
Elmer Cruz	<b>Ex. 15</b>	Ex. 16
Jose Canales	<b>Ex. 17</b>	Ex. 18
Jose Flores	<b>Ex. 19</b>	Ex. 20
Narciso Alvarenga Ramirez	<b>Ex. 21</b>	Ex. 22
Noel Narvaez	<b>Ex. 23</b>	Ex. 24

6. Annexed hereto as Exhibits 25 and 26, respectively are true and accurate excerpts of the Complaint (ECF No. 1) and Answer (ECF No. 23).

I declare under penalty of perjury, that the foregoing is true and correct.

Dated: February 13, 2023

/s/ Steven John Moser

Steven John Moser